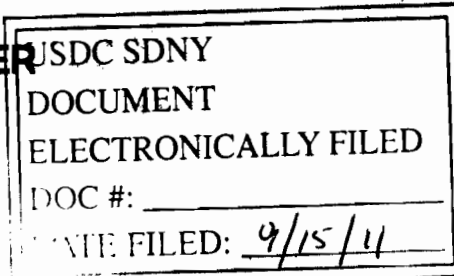




DLA PIPER

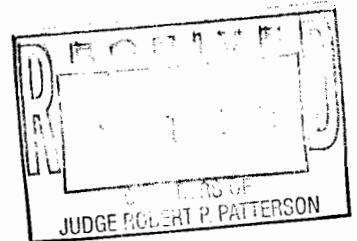


DLA Piper LLP (US)
The Marbury Building
6225 Smith Avenue
Baltimore, Maryland 21209-3600
www.dlapiper.com

Richard M. Kremen
richard.kremen@dlapiper.com
T 410.580.4191
F 410.580.3191

September 14, 2011
VIA FACSIMILE - 212-805-7917

Honorable Robert P. Patterson
United States District Judge
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 24A
New York, New York 10007



MEMO ENDORSED

Re: *Levin, et al. v. Bank of New York, et al.*
Case No. 09-Civ-5900

Dear Judge Patterson:

Our office represents the Estate of Michael Heiser, *et al.* (the "Heisers") in the above-referenced matter. We are in receipt of the Court's September 13, 2011 Order scheduling a conference for this Thursday, September 15, 2011, at 9:30 a.m.

I respectfully request that the Court permit me to participate in the Thursday's conference telephonically. I have two matters that were previously scheduled on Thursday which preclude me from participating absent my ability to participate by telephone.

Respectfully submitted,

Richard M. Kremen

cc: All counsel (by e-mail)
EAST46781910.1

*Approved for Grant
9/14/11*